



Report to: Development Services Committee

Meeting Date: September 26, 2023

SUBJECT: RECOMMENDATION REPORT
Revision to a Legal Description of a Designation By-law
9392 Kennedy Road ("The Thomas Lownsbrough House"),
Ward 6

PREPARED BY: Evan Manning, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the Staff report, dated September 26, 2023, titled, "RECOMMENDATION REPORT - Revision to a Legal Description of a Designation By-law, 9392 Kennedy Road ("The Thomas Lownsbrough House"), Ward 6", be received;
- 2) THAT the legal description, as contained within the previously approved Heritage Designation By-law 2020-72, be amended to reflect the property's current legal description, and that By-law 2020-72 be amended to ensure conformance with the *Ontario Heritage Act*, as amended;
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To amend the legal description as contained within a previously approved Heritage Designation By-law ("By-law 2020-72") where the cultural heritage resource has been modified through further land division or a plan of subdivision.

BACKGROUND:

The Designation By-law needs to be amended to address transfer of land to York Region

Contained within an approved residential development, 9392 Kennedy Road (the "Subject Property"), is designated under Part IV of the *Ontario Heritage Act* (the "Act"). Designation occurred in 2020 and predated the recent subdivision and development of the surrounding lands.

As a condition of approval, Kylemore Communities (Yorkton Ltd.) (the "Applicant") is required to transfer a portion of land adjacent to Kennedy Road to York Region (the "Region") for road widening purposes. The Region has requested that the legal description of the Subject Property, as it appears in Schedule A of By-law 2020-72, be amended to reflect the current property boundary, and exclude the transferred portion adjacent to Kennedy Road.

Municipalities can use the Act's minor amendment process

Municipal councils may update different parts of an existing heritage designation by-law for a number of reasons, including a need to:

- a) Clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes;
- b) Correct the legal description of the property;
- c) Otherwise revise the by-law to make it consistent with the requirements of the Act as amended in 2021.

Section 30.1 of the Act permits an amendment process to, where required, address the above-noted issues. Under this Section, the municipality is obliged to (a) inform the owner of the amendment and their right to object thereto; and (b) consult with the municipal heritage committee prior to giving notice of the proposed amendment to the owner. Upon receipt of notice of the amendment, the owner has 30 days to file a notice of objection to the amendment with the municipality. Should a notice of objection not be received by the municipality within the 30-day timeline, the council of the municipality may pass the proposed amending by-law.

OPTIONS/ DISCUSSION:

In accordance with the statutory requirements as described above, Heritage Section staff have prepared amendments to the designation by-law including, among others, a revised legal description for the heritage property and an amended Statement of Significance ("SOS") to ensure conformance with the Act, as amended in 2021.

Heritage Markham Committee was consulted on August 9, 2023, and no objections were raised to the proposed amendments. Heritage Section staff also notified the property owner of the proposed designation by-law amendments, and have received written confirmation that they have no objection to the corrected legal description and revised SOS. Specifically, written confirmation was received via email from the Applicant on July 28, 2023.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection of cultural heritage resource through the designation by-law process is a component of Growth Management. This helps achieve a quality community by ensuring that the City of Markham's cultural heritage resources remain part of the fabric of the city, strengthening a sense of community.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham was consulted. Heritage Section will work with the Clerks Department to amend the designation by-law. Legal Services Department will be required to register the approved by-law amendment on the affected property.

RECOMMENDED BY:

Giulio Cescato, RPP, MCIP
Director, Planning and Urban Design
Services

Arvin Prasad, MPA, RPP, MCIP,
Commissioner of Development

ATTACHMENTS:

Appendix “A” Location Map and Image of the Subject Property
Appendix “B” Amending By-Law

APPENDIX “A”

Location Map and Image of the Subject Property



The Subject Property is outlined in blue (Source: City of Markham)



Primary (east) elevation of the heritage resource (Source: City of Markham)

APPENDIX “B”**Amending By-Law****By-law 2023-xxx****A BY-LAW TO AMEND BY-LAW 2020-72 BEING A BY-LAW TO DESIGNATE
THE THOMAS LOWENSBOROUGH HOUSE, 9392 KENNEDY ROAD**

WHEREAS the *Ontario Heritage Act* authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS by By-law No. 2020-72, “The Thomas Lownsborough House” was designated as being of historic and/or architectural value or interest;

AND WHEREAS authority was granted by Council to designate the property at 9392 KENNEDY ROAD as being of cultural heritage value or interest;

AND WHEREAS the By-law requires amendment to correct the legal description of the property and the Statement of Cultural Heritage Value or Interest;

AND WHEREAS Section 30.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (OHA) authorizes the Council of a municipality to amend a by-law designating property made under section 29 of the OHA to clarify or correct the statement explaining the property’s cultural heritage value or interest or the description of the property’s heritage attributes; correct the legal description of the property; or otherwise revise the language of the by-law to make it consistent with the requires of the OHA or the regulations, as amended; and

AND WHEREAS Schedule “A” of By-law No. 2020-72 contains an incorrect legal description and a correction is required; and

AND WHEREAS Schedule “B” of By-law No. 2020-72 contains a Statement of Cultural Heritage Value or Interest that requires amendment; and

AND WHEREAS the owner of the Property was provided with notice of this by-law in accordance with the requirements of the *Ontario Heritage Act*, Section 30.1(3) and (4) and no notice of objection was filed;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. General

- 1.1. That By-law No. 2020-72 be amended to correct the legal description of the Heritage Property municipally-known as 9392 Kennedy Road from Block 3, Plan 65M-4613; to Part of Block 3, Plan 65M-4613, designated as Part 1, Plan 65R-39998, City of Markham, Regional Municipality of York; and
- 1.2. That the legal description contained in Schedule “A” of By-law No. 2020-72 be replaced with the legal description as contained in Schedule “A” of this By-law;
- 1.3. That By-law 2020-72 be deleted from the title of the properties described in Schedule “B”; and,
- 1.4. That the Statement of Cultural Heritage Value or Interest contained in Schedule “B” of By-law No. 2020-72 be replaced with the Statement of Cultural Heritage Value or Interest as contained in Schedule “B” of this By-law.

2. Schedule(s)

- 2.1. Schedule “A” – Legal Description
- 2.2. Schedule “B” – Legal Description
- 2.3. Schedule “C” – Statement of Cultural Heritage Value or Interest

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS
27TH DAY OF SEPTEMBER, 2023.

KIMBERLEY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

**SCHEDULE “A” TO
BY-LAW 2023-xx**

REVISED LEGAL DESCRIPTION OF LAND

The Thomas Lownsborough House

In the City of Markham in the Regional Municipality of York, property description as follows:

PART OF BLOCK 3, PLAN 65M-4613, DESIGNATED AS PART 1, PLAN 65R-39998, CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

PROPERTY ID: PART OF 03058 – 1834

**SCHEDULE “B” TO
BY-LAW 2023-xx**

The Thomas Lownsborough House

9392 Kennedy Road

In the City of Markham in the Regional Municipality of York, property description as follows:

PART OF BLOCK 3, PLAN 65M-4613, DESIGNATED AS PARTS 2 AND 3 ON
PLAN 65R-39998, CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

PROPERTY ID: PART OF 03058 – 1834

SCHEDULE “C” TO BY-LAW 2023-xx

The Thomas Lownsbrough House

9392 Kennedy Road

The Thomas Lownsbrough House is recommended for designation under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest as described in the following Statement of Significance.

DESCRIPTION OF PROPERTY

The Thomas Lownsbrough House is a one-and-a-half storey frame house located on the west side of Kennedy Road between 16th Avenue to the south and Vanderbergh Avenue to the north. The primary elevation of the house faces eastwards towards Kennedy Road.

DESIGN OR PHYSICAL VALUE

The Thomas Lownsbrough House is of design or physical value as a representative example of a tradesman’s dwelling in a vernacular version of the Gothic Revival style commonly referred to as a Classic Ontario centre gable cottage. It is also a representative example of an evolved building, which started as a modestly-scaled one storey vernacular tradesman’s dwelling in the mid-19th century that was later raised to one and a half storeys, perhaps in the 1870s or 1880s.

HISTORICAL OR ASSOCIATIVE VALUE

The Thomas Lownsbrough House is of historical or associative value as the c.1845 home of Thomas Lownsbrough, an English-born shoemaker who was part of the Hunter’s Corners community north of Unionville while a tenant of John Hunter, and later his daughter, Ada Naomi Hunter, from c.1845 to 1891. In 1892, Miss Hunter sold the property to Reverend Henry B. Owen, Rector of St. Philip’s Anglican Church, next door to the north. The Reverend Owen served the church from 1891 until his death in 1899.

CONTEXTUAL VALUE

The Thomas Lownsbrough House is of contextual value as one of a few cultural heritage features remaining from the historic community of Hunter’s Corners.

HERITAGE ATTRIBUTES

Character-defining attributes that embody the cultural heritage value of the Thomas Lownsbrough House are organized by their respective Ontario Regulation 9/06 criteria below:

Heritage attributes that convey the property’s design value as a representative example of a tradesman’s dwelling in a vernacular version of the Gothic Revival style include:

- Overall form and massing of the one-and-a-half storey dwelling;
- Re-instated Front veranda with bellcast roof;
- Re-instated Ornamentation consisting of brackets and corbels;
- Vertical tongue and groove siding;
- Medium- pitched gable roof with projecting, open eaves, and steep centre gable on the east (primary) elevation;
- Asymmetrical placement of the front door and window openings;
- Size and placement of existing door and window openings;
- Re-instated two-over-two hung windows fitted with shutters.

Note that the multi-storey rear addition is not considered to be of significant cultural heritage value and as such, does not contain any heritage attributes.

Heritage attributes that convey the property's historical and contextual value as a fragment of the Hunter's Corners community:

- The dwelling's setback from Kennedy Road which, despite past road widening, helps communicate the rural character of the former community of Hunter's Corners;
- The unobstructed visibility of the dwelling's east (primary), north and south elevations from Kennedy Road reflecting its original prominence when constructed.